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Mitigation Monitoring and Reporting Program for the Shiloh Crossing Project Initial Study/Mitigated Negative Declaration Town of Windsor, Sonoma County, California

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Report Date: October 3, 2022

PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15097 require a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it adopts a Mitigated Negative Declaration (MND) in conjunction with a project approval. The purpose of the MMRP is to ensure compliance with the mitigation measures occurs during project implementation.

The Initial Study and Mitigated Negative Declaration (IS/MND) prepared for the Town of Windsor–Shiloh Crossing Project concluded that project implementation could result in potentially significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval that reduce these potential impacts to a less than significant level. This MMRP documents how and when the mitigation measures adopted by the Lead Agency will be implemented and confirms that potential environmental impacts are reduced to less than significant levels as identified in the MND.

This document does not discuss those subjects that the environmental analysis demonstrates would result in less than significant impacts and for which no mitigation was proposed or necessary.

Table 1: Shiloh Crossing Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
2.3 Air Quality					
MM AIR-1: During construction activities, the following air pollution control measures shall be implemented: • Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph). • All roadways, driveways, and sidewalks shall be paved as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxic Control Measure [ATCM] Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.	On-site inspections	During construction activities	Community Development Department		

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• A publicly visible sign shall be posted with the telephone number and person to contact at the Town regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. The Bay Area Air Quality Management District (BAAQMD) phone number shall also be visible to ensure compliance with applicable regulations.					
MM AIR-2: During construction activities, all off-road equipment with engines greater than 50 horsepower shall meet either the United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier IV Final off-road emission standards. The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number. If engines that comply with Tier IV Final off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier III) available. For purposes of this mitigation measure, "commercially available" shall mean the availability of Tier IV Final engines taking into consideration factors such as critical-path timing of construction and geographic proximity to the project site of equipment. The contractor can maintain records for equipment that is not commercially available by providing letters from at least two rental companies for each piece of off-road equipment where the Tier IV Final engine is not available.	On-site inspection	During construction activities	Community Development Departments		

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2.4 Biological Resources					
MM BIO-1a: Pre-construction Surveys for Burrowing Owl (includes avoidance and passive relocation if found) A qualified biologist shall conduct a habitat assessment for wintering burrowing owl, and surveys if habitat is present. The qualified biologist shall follow the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report) habitat assessment and survey methodology prior to project activities occurring during the burrowing owl wintering season from September 1 to January 31. The habitat assessment and surveys shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet unless otherwise approved in writing by CDFW. Surveys shall include four non-breeding season surveys spread evenly throughout the nonbreeding season pursuant to the CDFW 2012 Staff Report. Time lapses between surveys or project activities shall trigger subsequent surveys, as determined by a qualified biologist, including but not limited to a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes to the project area. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections. Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure;	On-site survey, submittal of survey documents	Prior to ground disturbance	Project Applicant		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions, and completed before project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation and implementation of a long-term management plan prior to project construction.					
MM BIO-1b: Protection of Active Bird Nests If construction, grading, vegetation removal, or other project-related activities are scheduled during the nesting season, February 1 to August 31, a focused survey for active nests shall be conducted by a Qualified Biologist within 7 days prior to the beginning of project-related activities. The survey shall consist of the entire project limits, as well as a minimum 500-foot buffer. If a lapse in Project-related work of 7 days or longer occurs, another focused survey shall be required before project work can be reinitiated. If an active nest is found during surveys, qualified biologist shall establish site- and species-specific no-work buffers. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest	On-site survey, submittal of survey documents	Prior to ground disturbance	Project Applicant		

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abandonment and loss of eggs and/or young) until an appropriate buffer is established. The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by project work. Nest monitoring shall continue during project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the Qualified Biologist, unless otherwise approved in writing by CDFW.					
2.5 Cultural Resources and Tribal Cultural Resources					
MM CUL-1: In the event that buried cultural resources are discovered during construction, operations shall stop within 100 feet of the find and a qualified Archaeologist shall be consulted to determine whether the resource requires further study. The qualified Archaeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the Archaeological Monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant	On-site inspection and monitoring; submittal of findings and documentation	During the initial phase of ground disturbances	Community Development Department		

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resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the Lead Agency where they would be afforded long-term preservation to allow future scientific study.					
MM CUL-2: In the event of an accidental discovery or recognition of any human remains, Public Resources Code Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The Most Likely Descendant (MLD) may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Section 5097.98, or 2. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native	On-site inspection and monitoring; submittal of findings and documentation	During the initial phase of ground disturbance	Community Development Department		

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American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance: • The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission. • The descendant identified fails to make a recommendation. • The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC fails to provide measures acceptable to the landowner.					
2.7 Geology and Soils					
MM GEO-1: Construction and site plans shall incorporate the site preparation, grading, foundation support, earthwork, and other recommendations of the Geotechnical Engineering Report for the project site prepared by Terracon Consultants on November 17, 2017, and revised on May 7, 2019, including all recommended measures to mitigate surface and subsurface geologic and soil conditions. Incorporation of recommended measures shall be confirmed by the Town Engineer.	Final geotechnical report	Prior to issuance of building permit	Public Works Department and Community Development Department		
MM GEO-2: [Given the project site has high paleontological sensitivity], a paleontological assessment, and avoidance and/or mitigation for potential impacts to paleontological resources [are required]. The Town shall require the following specific requirements for projects that could disturb geologic units with high paleontological sensitivity, whether they are mapped at the surface or hypothesized to occur in the subsurface. 1. **Retain a Qualified Paleontologist.** Prior to initial ground disturbance within highly sensitive geologic units, the	Provide letter from qualified Paleontologist with verifications	Prior to issuance of building permit	Community Development Department		

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applicant shall retain a project paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) (2010) standards for Qualified Professional Paleontologist, to direct all mitigation measures related to paleontological resources. A qualified paleontologist (Principal Paleontologist) is defined by the SVP standards as an individual with an MS or PhD in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least one year. **2. Paleontological Mitigation and Monitoring Program.** Prior to construction activity a qualified paleontologist should prepare a Paleontological Mitigation and Monitoring Program to be implemented during ground disturbance activity for the proposed project. This program should outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration, salvage and preparation of fossils, the final mitigation and monitoring report, and paleontological staff qualifications. **3. Paleontological Worker Environmental Awareness Program.** Prior to the start of construction, the project paleontologist or his or her designee, shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be fulfilled at the time of a pre-construction meeting at which a qualified Paleontologist shall attend. In the event of a fossil discovery by construction personnel, all work in the immediate vicinity of the find shall cease and a qualified					

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Paleontologist shall be contacted to evaluate the find before restarting work in the area. If it is determined that the fossil(s) is(are) scientifically significant, the qualified Paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources. **4. Paleontological Monitoring.** Ground-disturbing construction activities (including grading, trenching, foundation work and other excavations) at the surface in areas mapped as high paleontological sensitivity and exceeding 5 feet in depth in areas overlying potentially high paleontological sensitivity units should be monitored on a full-time basis by a qualified paleontological monitor during initial ground disturbance. The Paleontological Mitigation and Monitoring Program shall be supervised by the project paleontologist. Monitoring should be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources. The duration and timing of the monitoring will be determined by the project paleontologist. If the project paleontologist determines that full-time monitoring is no longer warranted, he or she may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring would be reinstated if any new or unforeseen deeper ground disturbances are required and reduction or suspension would need to be reconsidered by the Supervising Paleontologist. Ground-disturbing activity that does not occur in areas mapped as high sensitivity or that do not exceed 5 feet in depth in areas overlying potentially high sensitivity units would not require paleontological monitoring. **5. Salvage of Fossils.** If significant fossils are discovered, the project paleontologist or paleontological monitor should recover them. Typically, fossils can be safely salvaged					

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quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist should have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Work may continue outside of a buffer zone around the fossil, usually 50-100 feet (specific distance may be determined by the project paleontologist). **6. Preparation and Curation of Recovered Fossils.** Once salvaged, significant fossils should be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection (such as the University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the project paleontologist. **7. Final Paleontological Mitigation Report.** Upon completion of ground-disturbing activity (and curation of fossils if necessary) the qualified Paleontologist should prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report should include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.					

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2.9 Hazards and Hazardous Materials					
MM HAZ-1: In the event that the underground storage tank (UST) or evidence of the UST is encountered during site development, or fuel hydrocarbon (FHC) impacted soils and/or groundwater are encountered, the appropriate regulatory agencies, such as the California Department of Toxic Substances (DTSC), shall be notified, and pertinent steps be taken to remove the UST in accordance with State and federal regulations.	On-site inspection	During construction activities	Community Development Department		
MM HAZ-2: Prior to issuance of grading and construction permits, the project applicant shall prepare a construction worker health and safety plan and submit to the North Coast Regional Water Quality Control Board (North Coast RWQCB) and the Town for review and approval.	Submittal and approval of construction worker health and safety plan	Prior to issuance of grading and building permits	Community Development Department		
MM HAZ-3: Prior to issuance of a building permit, the vapor mitigation system (VMS), as designed by GeoKinetics and approved by the North Coast Regional Water Quality Control Board (North Coast RWQCB), shall be incorporated into the project plans submitted to the Town. The VMS shall be installed during construction of the proposed project and remain active during project operation.	Improvement plans and building permit plans; site inspections	VMS to be verified prior to issuance of a building permit, installed during construction, and active throughout project operation	Community Development Department		
MM HAZ-4: Prior to issuance of grading and construction permits, the project applicant shall prepare a soil management plan and submit to the North Coast Regional Water Quality Control Board (North Coast RWQCB and the Town for confirmation.	Submittal and approval of a soil management plan	Prior to issuance of grading and building permits	Community Development Department and NCRWQCB		
2.11 Land Use and Planning					
MM LU-1: To meet the interior noise level standard of 45 A-weighted decibel (dBA) Community Noise Equivalent Level (CNEL), the proposed multi-family residential units shall be supplied with an alternative form of ventilation, such as air	Building permit plans	Prior to issuance of building permit	Community Development Department		

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conditioning or noise-attenuated passive ventilation systems that would allow an occupant the option of controlling noise by keeping the windows shut (as the interior noise standard would not be met with ventilation controlled by open windows)**.**					
2.13 Noise					
MM NOI-1: To reduce potential construction noise impacts, the following multi-part mitigation measure shall be implemented for the proposed project: The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment. • The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited. • The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where such market available technology exists. • At all times during project grading and construction, the construction contractor shall ensure that stationary noise-generating equipment shall be located as far as practicable from sensitive receptors and placed so that emitted noise is directed away from the nearest residential land uses. • The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and establishment reasonable measures necessary to correct the problem. The construction contractor shall visibly post a telephone number for the disturbance coordinator at the construction site.	On-site inspections	During construction activities	Community Development Department		

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• The construction contractor shall limit noise producing construction activities to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 8:00 a.m. and 7:00 p.m. on Saturday.					